

ENTERED

March 07, 2019

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JEROD HOBBS, *et al.*,
Plaintiffs,

v.

EVO INCORPORATED, *et al.*,
Defendants.

§
§
§
§
§
§
§

CIVIL ACTION NO. 4:16-CV-00770

ORDER

The Court has before it the Memoranda and Recommendations (Doc. Nos. 89, 90 & 91) of the United States Magistrate Judge regarding the Motions for Summary Judgment and Requests for Sanctions of Defendants Sam Copeman (Doc. No. 72), Jonathan Thursby (Doc. No. 71), and Maurice McBride (Doc. No. 73). Also before it is the combined Memorandum and Recommendation (Doc. No. 92) on the Motion for Summary Judgment filed by all Defendants on the FLSA exemptions/merits (Doc. No. 74) and the Motion for Partial Summary Judgment on the Statute of Limitations (Doc. No. 75). Defendants have objected to all of the Recommendations save for the Recommendation regarding the Motion for Summary Judgment filed by Jonathan Thursby (Doc. No. 95).

The Court, having considered the applicable law and facts *de novo*, hereby adopts all four of the Memoranda and Recommendations of the United States Magistrate Judge. That being the case, it holds that the Motion for Summary Judgment filed on the FLSA exemptions/merits by all Defendants (Doc. No. 74) is denied. *See, Dewan v. M-I, L.L.C.*, 858 F.3d 331 (5th Cir. 2017). The Partial Motion for Summary Judgment regarding the alleged repeated, willful, and intentional allegations contained in the First Amended Complaint (Doc. No. 75) is granted. Consequently, the two-year statute of limitations will control any further proceeding in this case.

See, 29 U.S.C. § 255(a). The Motions for Summary Judgment filed by Defendants Maurice McBride (Doc. No. 73) and Sam Copeman (Doc. No. 72) are denied. While this Court is not impressed by either the quality or the quantity of the evidence purporting to raise fact issues in either case, like the Magistrate Judge, it cannot hold as a matter of law that an issue of material fact does not exist. The Motion for Summary Judgment filed by Jonathan Thursby (Doc. No. 71) is granted.

The Court also adopts the Magistrate Court's recommendations concerning the imposition of sanctions. All such requests are denied.

SIGNED at Houston, Texas this 6th day of March, 2019.

A handwritten signature in black ink, appearing to read 'Andrew S. Hanen', is written over a horizontal line.

Andrew S. Hanen
United States District Judge